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COMMITTEE AGAINST TORTURE

Twenty-second session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 387th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 May 1999, at 3 p.m.

Chairman: Mr. BURNS

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (continued)

Second periodic report of Morocco (continued)

Second periodic report of Liechtenstein (continued)

* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.387/Add.1.

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 5) (continued)

Second periodic report of Morocco (continued) (CAT/C/43/Add.2)

Conclusions and recommendations of the Committee

1. At the invitation of the Chairman, the members of the delegation of Morocco resumed their places at the Committee table.

2. Mr. CAMARA (Country Rapporteur) read out the following text containing the conclusions and recommendations adopted by the Committee concerning the second periodic report of Morocco:

"1. The Committee considered the second periodic report of Morocco (CAT/C/43/Add.2) at its 380th, 383rd and 387th meetings, held on 6, 7 and 11 May 1999 (CAT/C/SR.380, 383 and 387) and has adopted the following conclusions and recommendations.

A. Introduction

2. The Committee warmly welcomes the second periodic report of Morocco.

3. To the Committee's gratification the report, produced in accordance with its guidelines for the preparation of periodic reports, is forthright on all subjects, as was the oral introduction by the head of the Moroccan delegation. The Committee also thanks the Moroccan delegation for the frank and constructive dialogue in which it engaged.

B. Positive aspects

5. The Committee notes with great satisfaction certain measures introduced by the State party with a view to meeting its commitments under the Convention, and in particular:

(a) Morocco's clear political will to establish to the full the rule of law, as extensively reflected in paragraphs 4, 6, 7, 8, 9, 10, 16 and 17 of the report;

(b) The payment of allowances to political prisoners recently released by the Moroccan State, which has also undertaken to bear the costs of any medical attention where necessary;

(c) The positive response to some of the recommendations made by the Committee after its consideration of Morocco's initial report, such as:

- The publication of the Convention in the Official Gazette, making it applicable throughout the territory of the Kingdom and enforceable against all authorities;

- The introduction of major human rights education and awareness-raising programme for law enforcement officers, and also for other categories such as schoolchildren;

- The reform of prison policy with a view to humanizing it.

C. Factors and difficulties impeding the application of the provisions of the Convention

6. The Committee has not noted any major factors or difficulties impeding the application of the provisions of the Convention in Morocco.

D. Subjects of concern

7. The Committee nonetheless declares itself deeply concerned about the following issues:

(a) The continued absence, in Moroccan criminal legislation, of a definition of torture fully consistent with that contained in article 1 of the Convention, and of provisions categorizing as offences all acts describable as torture, in compliance with article 4 of the Convention;

(b) The maintenance of the reservations entered to article 20 and the failure to make the declarations provided for under articles 21 and 22 of the Convention, which severely restricts the scope of implementation of the Convention in regard to Morocco;

(c) The persistence, despite the efforts undertaken, of allegations of torture and ill-treatment;

(d) The non-compliance of Moroccan legislation on return, expulsion and extradition is with the relevant provisions of the Convention.

E. Recommendations

8. The Committee recommends that the State party should:

(a) Introduce into its criminal legislation a definition of torture fully consistent with that contained in article 1 of the Convention and categorize as offences all acts describable as torture;

(b) Withdraw its reservation to article 20 and make the declarations provided for under articles 21 and 22 of the Convention;

(c) Bring the legislation on return, expulsion and extradition into conformity with the relevant provisions of the Convention;

(d) Urgently institute, if it has not yet done so, impartial enquiries into the serious allegations of human rights violations brought to the attention of the Moroccan delegation by the Committee during its consideration of the second report and ensure that, where such allegations are substantiated, appropriate sanctions are imposed on those responsible and fair compensation is awarded to the victims."

3. Mr. BENJELLOUN-TOUIMI (Morocco) thanked the Committee for its constructive spirit and fair assessment. He considered the exercise to have been extremely beneficial; he was gratified at the positive elements that had been identified and hoped that the next time Morocco met with the Committee it would be able to report on the implementation of its recommendations.

4. The delegation of Morocco withdrew.

The meeting was suspended at 3.15 p.m. and resumed at 3.30 p.m.

Second periodic report of Liechtenstein (continued) (CAT/C/29/Add.5)

5. At the invitation of the Chairman, the members of the delegation of Liechtenstein resumed their places at the Committee table.

6. Mr. LANGENBAHN (Liechtenstein) welcomed the fact that the report had been on the whole well received. In reply to the question relating to paragraph 18, in the context of the preparatory work for the ratification of the Rome Statute of the International Criminal Court, consideration was being given to the possible inclusion in a law on cooperation with the Court of provisions for cooperation with the two ad hoc tribunals for the former Yugoslavia and Rwanda.

7. In regard to paragraph 42, while the public health officer normally attended arrested, detained or imprisoned persons, a private medical practitioner of the patient's own choice would be permitted in well-founded cases. A panel of doctors was on permanent call and patients were referred to specialists where appropriate.

8. On the subject of paragraphs 46, 49 and 59 visits to prisoners could be restricted only to prevent collusion, for example if the visitor and the prisoner talked to each other in a way not understandable to the officer present, and only for as long as the reason for such a restriction applied. Every arrested, detained or imprisoned person had the right at any time to receive the visit of a counsel for the defence, who was in practice always a lawyer although in theory any person could act as counsel. Visits by professional counsel were not monitored by any court officer. The reason why pre-trial detention was sometimes lengthy was that, his being a small country, many cases were of a cross-border nature and therefore involved several jurisdictions. However, pre-trial detention was imposed only where a strong suspicion existed and where no less stringent alternative was available.

9. In regard to paragraphs 53 and 54, the Austrian State was liable to pay compensation if representatives of the Austrian authorities had been responsible for the mistreatment or torture of prisoners sentenced by a Liechtenstein court and transferred to Austria for imprisonment. Female prisoners were totally isolated from male ones but, given the small number and short sentences of female prisoners in recent years, their facilities were usually empty, which made it impossible to employ female officers. Special rules applied to male officers dealing with female prisoners, and the latter were regularly visited by female social workers and permitted to talk to them unmonitored; body searches were always carried out by female police officers. Although no juveniles had been imprisoned in Liechtenstein for many years, the possibility existed of holding them separately from adult prisoners in a nearby Austrian prison.

10. In accordance with the international instruments to which Liechtenstein was a party, such as the Convention against Torture, Liechtenstein courts were competent under national law, to try crimes committed in foreign countries by foreigners, and a general rule existed that its criminal courts were competent to try all crimes, irrespective of where they had been committed and whether they were considered offences there.

11. In regard to paragraphs 24 and 25, conditions had been improved at the Vaduz penitentiary centre, notably in regard to staffing, visiting rights, remunerated work, entertainment and exercise, in response to the 1995 report of the European Committee for the Prevention of Torture. A detainee was permitted to have contact with his lawyer at any time, and to receive visits from any person he chose, provided that the investigation procedure and the work and order of the prison were not adversely affected. Any restriction on visits to prevent collusion could be appealed against and pre-trial detention could be prolonged only by decision of the upper court. Correspondence could be restricted only if its volume impaired the smooth running of the prison.

12. Finally, Liechtenstein had made a declaration in accordance with article 22 of the Convention.

13. The CHAIRMAN thanked the delegation of Liechtenstein for its succinct and focused replies and for its fine report.

14. The delegation of Liechtenstein withdrew.

The public part of the meeting rose at 3.50 p.m.